

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
MARITIME COMMUNICATIONS/)	
LAND MOBILE, LLC)	
)	File No. 0004738157
Application for Renewal of the License for)	
Automated Maritime Telecommunications)	
System WRV374)	

To: Marlene K. Dortch, Secretary
Attention: Chief, Wireless Telecommunications Bureau

OPPOSITION TO PETITION TO DISMISS, PETITION TO DENY,
OR IN THE ALTERNATIVE SECTION 1.41 REQUEST

Maritime Communications/Land Mobile, LLC, by its attorneys, hereby files its Opposition (Opposition) to the Petition to Dismiss, Petition to Deny, or in the Alternative Section 1.41 Request filed in the above captioned matter by Warren Havens, Environmental LLC; Verde Systems, LLC, Intelligent Transportation & Monitoring Wireless LLC; Telesaurus Holdings GB LLC, V2G LLC, and Skybridge Spectrum Foundation (collectively, Havens). In support of its position, MCLM shows the following.

the contours in Havens' maps are based on the service contour adopted by the Commission for purposes of determining the co-channel protection to which site-based incumbents would be entitled from geographic licensees. Prior to the implementation of geographic licensing, the Commission's AMTS rules did not specify a service contour, and applicants were permitted to file applications, and demonstrate that the coverage requirement would be met on the reasonable service contour of their choice. We reject Havens' suggestion that site-based licenses that were granted on the basis of predicted service contours demonstrating adequate coverage should be retroactively be terminated based on the Commission's subsequent adoption (for a different purpose) of smaller service contour,"

Mobex Network Services, LLC, 22 FCC Rcd 665, 669 (WTB 2007). Accordingly, the Commission should dismiss or deny Haven's Petition insofar as it attempts to raise an argument concerning continuity of coverage again.

In a rabid opposition to MCLM's Request for Extension of Time to file the instant Opposition, Havens blustered that the fact that MCLM does not possess certain old documents was "simply an admission of conspiracy between MCLM and Mobex to launder defective FCC license [sic] stations and the license," FCC File No. 0004738157, filed July 22, 2011. Satisfied with the Mobex transaction, MCLM had no need for detailed construction records of facilities first authorized a decade earlier and did not demand them from Mobex. As demonstrated by the declaration of David Predmore attached hereto as Exhibit 1, Mobex wound up its affairs and ceased paying National Capital storage company the rent on stored records, including copies of site leases, equipment inventory, and other old information, which was all destroyed years ago by the storage company. Although Havens' claims concerning the initial construction of the facilities of station WRV374 are bound by res judicata or by time, MCLM provides, *infra*, the limited information that it has been able to find or obtain.

This is exhibit 1 to the above MCLM Opposition.
Underlining added.

EXHIBIT 1

DECLARATION

I, David Predmore, state and declare as follows:

1. I am an honorably discharged former member of the US Navy; and a graduate of Georgetown University Law School, where I received my Juris Doctor degree in 2001.
2. I served for six years as Law Clerk, Associate Counsel, General Counsel, and finally Chief Administrative Officer, of Mobex Communications, Inc. ("MComm") and its related subsidiaries, including AMTS licensee Mobex Network Services, LLC ("Mobex"). My service began in 2000 and ended with the dissolution of the companies after substantially all assets were sold in 2006.
3. During 2005, Mobex entered into an asset purchase agreement with Maritime Communications/Land Mobile, LLC ("MCLM"). The FCC approved that sale in November 2005 and the transaction closed on December 30, 2005. I remained with Mobex for the first several months of 2006 in order to wind up its affairs, including paying creditors and others from the sale proceeds, dissolving the legal entities, etc.
4. In March 2006, I began employment for the National Rural Electric Cooperative Association as an attorney in its Arlington, VA headquarters.
5. After the sale of its assets, Mobex kept its voluminous records in storage with Nation's Capital Archives & Storage Systems Inc. in Virginia. After the company was wound up and dissolved, there was no corporate entity to pay the monthly storage fees, and Nation's Capital Archives informed me it would destroy the company records, including copies of site leases, equipment inventory, etc.
6. During my tenure at Mobex, the company paid approximately \$75,000 each month in site rental costs for the incumbent license sites, which include the East Coast license, WRV374.
7. Mobex was a professional, well-run organization, with a minority investment from Nextel, and a Board consisting of active, engaged members. MComm, the parent company, had over 100 shareholders, all separate and entirely apart from MCLM. Mobex had purchased WRV374 in the year 2000, as part of its acquisition of the Membership Interests of Regionet Wireless License Company, LLC ("Regionet") from the owners Paul vander Heyden and Fred Daniels. In 2002, Mobex was formed by the merger of wholly-owned subsidiaries of MComm known as Regionet and Waterway Communications, Inc. ("Watercom").
8. John Reardon served as President and CEO of MComm, and its subsidiaries, including Mobex, from January 2001 through December 31, 2005. Once the sale was completed at the end of December 2005, MComm made its final payroll to Mr. Reardon and he began employment on January 1, 2006 with MCLM, LLC, the buyer of Mobex's AMTS licenses.
9. Throughout the period of 2005, Mr. Reardon assisted Mobex with the sale of its assets, including the AMTS sale to MCLM. He remained at all times a

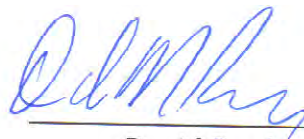
MComm employee, and at the MComm Board's direction, he assisted MCLM officials with any due diligence items or similar customary transition assistance. He also assisted MCLM, with MComm Board approval, in the August 2005 auction of white space licenses. The MComm Board determined it to be in Mobex's best interest for MCLM to acquire white space licenses, so that MCLM would remain interested in consummating the purchase of Mobex's incumbent licenses in the AMTS band.

10. The incumbent operations of Mobex were completely constructed, using a mixture of LTR format equipment on the East Coast and Great Lakes, Watercom waterway equipment in the Mississippi River areas, and MPT 1327 equipment on the West Coast.
11. Mobex entered an agreement with Motorola in the 2002 timeframe to transition four markets from LTR format to Motorola's new PassPort radio format, using the Trident NTS digital controller and an analog air interface. Those four markets were: Chicago, New York, Philadelphia, and Washington, DC/Baltimore.
12. Mobex had a dedicated PassPort sales team, and deployed dealer networks in the other LTR format markets. Much of Mobex's sales success resulted from its Watercom operation, since cellular was increasingly popular and two way radio PassPort systems were cumbersome and relatively more expensive than Nextel's iDEN digital phones, for example.
13. When Mobex sold its AMTS licenses to MCLM, MCLM assumed the leases from Mobex. Mobex paid those leases for third party site rents current through the sales date, i.e December 31, 2005.
14. Mobex entered a management agreement with Central Communications Network, Inc. ("CCN") whereby the LTR equipment in place in Orlando and Tampa/St. Petersburg/Clearwater markets was replaced at CCN's expense with Motorola PassPort systems. That PassPort system was a 14 site system, stretching from Tampa Bay across central Florida to the Atlantic Coast.
15. Mobex entered a lease agreement with Pinnacle Wireless to lease channels to Pinnacle for construction of a Motorola PassPort system covering almost all of New Jersey; this system is still used today by the New Jersey Turnpike and Garden State Parkway public safety officials and road crews. Again, the LTR format systems in place were replaced with the more modern PassPort format.
16. Prior to its sale to MCLM, Warren Havens continually opposed Mobex for several years; he claimed that Mobex had not constructed licenses, Mobex lacked character, etc, . In 2004, Mobex attempted to sell its licenses to Clarity Partners, a major venture capital fund that sought to invest \$25 Million into deployment of PassPort systems on the Mobex spectrum. The FCC approved the sale in December 2004. However, because of Havens' opposition to this transaction, the FCC did not approve the sale for over ten months, by which time Clarity Partners had moved on to other projects, and so that transaction was lost, along with the opportunity to build a very large, near nationwide network in 2004.

17. Similarly, when Mobex filed its assignment application to MCLM around June 2005, Mr. Havens made the same complaints about non-construction by Mobex, lack of character, etc. The FCC again rejected Havens' complaints, finding that in fact Mobex was operating and had timely built its systems, and that this issue had been determined previously.
18. It is beyond question that WRV374 was timely built by Mobex's subsidiary Regionet and operated properly by Mobex during its ownership of the licenses. This view is, I believe, validated by the fact that Nextel was a part owner, and Nextel was a very professional organization. In addition, Mr. Reardon and I regularly reported to the Board on our revenues and our cash needs to continue to operate the incumbent sites around the nation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 5, 2011.



David Predmore

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